

was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13123. Misbranding of potatoes. U. S. v. 260 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19384. I. S. No. 19946-v. S. No. C-4576.)

On December 16, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 260 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Chatterton & Son, from Lucas, Mich., on or about December 3, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Michigan U. S. Grade No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement "U. S. Grade No. 1," borne on the labels, was false and misleading and deceived and misled the purchaser.

On December 23, 1924, Chatterton & Son, Lucas, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled "Potatoes Containing 37% Hollow Hearts and Other Blemishes" and the statement "U. S. No. 1" be obliterated from the said sacks.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13124. Misbranding of potatoes. U. S. v. 240 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19546. I. S. No. 22693-v. S. No. C-4625.)

On January 29, 1925, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the A. M. Henney Co., from Scandinavia, Wis., on or about January 7, 1925, and transported from the State of Wisconsin into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "U. S. Grade No. 1 Potatoes."

Misbranding of the article was alleged in the libel for the reason that the statement "U. S. Grade No. 1" was false and misleading and deceived and misled the purchaser.

On January 31, 1925, George W. Davison, New Orleans, La., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled by obliterating the statement "U. S. No. 1" and adding the statement "Potatoes Containing 35% Hollow Hearts and Other Blemishes."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13125. Misbranding of potatoes. U. S. v. 260 Sacks of Potatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19373. I. S. No. 19939-v. S. No. C-4565.)

On December 9, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 260 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Boyne City Cooperative Assoc., Boyne Falls, Mich., on or about November 21, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "U. S. No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement "Potatoes U. S. No. 1" was false and misleading and deceived and misled the purchaser.

On January 28, 1925, the Michigan Potato Growers Exchange, Cadillac, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the statement "U. S. No. 1" be obliterated from the labels, and the statement "Potatoes Containing 23% hollow hearts and other blemishes" be added thereto.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13126. Misbranding of potatoes. U. S. v. 260 Sacks, et al., of Potatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19397, 19406, 19411. I. S. Nos. 19947-v, 22673-v, 22702-v. S. Nos. C-4577, C-4582, C-4589.)

On December 15, 19, and 20, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 780 sacks of potatoes, at New Orleans, La., alleging that the article had been shipped by McClintock & Co., in part on or about December 1, 1924, from Crapo, Mich., and in part on or about December 5, 1924, from Evart, Mich., and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Michigan U. S. Grade No. 1."

Misbranding of the article was alleged in the libels for the reason that the statement "U. S. Grade No. 1," appearing on the labels, was false and misleading and deceived and misled the purchaser.

On December 20, 1924, R. F. Meyer & Co. having appeared as claimant for 260 sacks of the product, and McClintock & Co., Tustin, Mich., having appeared as claimant for 520 sacks of the said product, and said claimants having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$590, in conformity with section 10 of the act, said bonds being conditioned in part that the statement "U. S. No. 1" be obliterated from the labels and the product be relabeled "Potatoes containing 33%" (or "24%" or "30%"), as the case might be, "Hollow Hearts and Other Blemishes."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13127. Misbranding of potatoes. U. S. v. 260 Sacks, et al., of Potatoes. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19372, 19374, 19375, 19385, 19404, 19405. I. S. Nos. 19937-v, 19940-v, 19941-v, 19945-v, 22672-v, 22674-v. S. Nos. C-4564, C-4566, C-4567, C-4575, C-4581, C-4583.)

On December 9, 10, 16, and 19, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,560 sacks of potatoes, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Michigan Potato Growers Exchange in various consignments, from Tustin, Falmouth, Edmore, and Ellsworth, Mich., respectively, between the dates of November 19 and December 7, 1924, and transported from the State of Michigan into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Chief Petoskey Potatoes U. S. No. 1 * * * Distributed by Michigan Potato Growers Exchange, Cadillac, Mich."

Misbranding of the article was alleged in the libels for the reason that the statement "U. S. No. 1," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser.

On January 28, 1925, the Michigan Potato Growers Exchange, Cadillac, Mich., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the